

Regular Session, 2009

SENATE BILL NO. 280

BY SENATOR CHAISSON

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

ETHICS. Provides relative to the employment of certain public servants. (gov sig)

AN ACT

To enact R.S. 42:1119(G), relative to the employment of certain employees; to permit the employment of certain immediate family members by certain elected officials under certain circumstances; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 42:1119(G) is hereby enacted to read as follows:

§1119. Nepotism

* * *

G. Nothing in this Chapter shall prohibit an elected official of a constitutionally created district office whose jurisdiction encompasses at least one parish, where eligibility for the office requires the admission to a professional practice, from employing an immediate family member in his office in a position which requires admission to the same professional practice, provided that the immediate family member was previously employed in that office in such position for a period of at least nine months prior to, and within six months of, the elected official taking office, nor shall it be construed to hinder, alter, or in any way affect normal promotional advancements for such

1 **employee, so long as the elected official holds the office. In addition,**
2 **notwithstanding the provisions of R.S. 42:1112, the elected official may**
3 **participate in transactions regarding such employment.**

4 Section 2. This Act is declared to be remedial, curative, and procedural and therefore
5 is to be applied retroactively as well as prospectively.

6 Section 3. This Act shall become effective upon signature by the governor or, if not
7 signed by the governor, upon expiration of the time for bills to become law without signature
8 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
9 vetoed by the governor and subsequently approved by the legislature, this Act shall become
10 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Tracy Sabina Sudduth.

DIGEST

Present law provides for the continued employment of any public employee where a member of public employees' immediate family becomes the agency head of such public employee's agency, provided that such public employee has been employed in the agency for a period of at least one year prior to the member of the public employee's immediate family becoming the agency head.

Proposed law retains present law.

Proposed law provides that nothing in present law shall prohibit an elected official of a constitutionally created district office whose jurisdiction encompasses at least one parish, where eligibility for the office requires the admission to a professional practice, from employing an immediate family member in his office in a position which requires admission to the same professional practice, provided that the immediate family member was previously employed in that office in such position for a period of at least nine months prior to, and within six months of, the elected official taking office.

Proposed law shall not be construed to hinder, alter, or in any way affect normal promotional advancements for such employee, so long as the elected official holds the office.

Proposed law specifies that the elected official may participate in transactions regarding such employment.

Provides that proposed law is remedial and retroactive.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 42:1119(G))